

REMARKS

Applicants' representatives wish to thank the Examiner for careful consideration given this case and the courteous phone interview of July 24, 2007. Based on the arguments set forth during the interview and herein, the Examiner stated that he would reverse the rejections of claims 1-24 based on Murray alone and Murray in view of Fladgard, and that the pending claims would probably be passed to issue pending the results of a search. Applicants, however, do not believe a further search is necessary as no amendments have been made to the claims. Applicants also note that the Examiner clarified that mention of the "Skeem" reference on page 3 of the Office Action was a typographical error.

Claims 1-24 are pending in this application. Applicants submit that claim 24 was added in the previously entered Response dated March 19, 2007.

Claims 7-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,854,784 to Murray et al. (hereinafter "Murray").

The Examiner has relied on Murray as teaching all of the limitations regarding the claimed cutting tool insert. Murray, however, fails to teach a cutting tool insert having "a superabrasive material having an average grain size of less than or equal to about 10 μm " as clearly recited in independent claims 7 and 14. Moreover, Murray fails to make any mention of a grain size of a superabrasive material. Additionally, Murray is directed to a metal cutting insert and metal cutting inserts commonly use superabrasive material having an average particle size **greater** than 20 μm as exemplified by previously cited U.S. Patent No. 6,935,940 to Skeem et al. FIGS. 3A and 3B of the present application clearly demonstrate that fiber cement cut using a cutting tool with an insert having an average grain size of 20 μm provides poor quality (FIG. 3A) while a cutting tool having an insert of less than 10 μm provides cut fiber cement of good quality (FIG. 3B) as further described in the corresponding text (Paragraph [035] of the specification as originally filed). Based on this analysis, the cutting tool insert of Murray would be expected to include superabrasive particles having a grain size **greater** than 20 μm which is unacceptable for the Applicants' claimed purpose. Therefore, it would not be obvious to modify the cutting tool insert of Murray by providing superabrasive particles having a grain size less than 10 μm and to use this modified insert to cut fiber cement. Accordingly, Murray fails to render any

independent claim of the present application, including claims 7 and 14 obvious. Withdrawal of the Examiner's rejection of independent claims 7 and 14 is respectfully requested.

Claims 8-13 and 15-21 depend from and add further limitations to independent claims 7 and 14, respectively, and encompass all of the limitations of independent claims 7 and 14. Accordingly, claims 8-13 and 15-21 are allowable for at least the same reasons in connection with independent claims 7 and 14 and withdrawal of the Examiner's rejection is respectfully requested.

Claims 1-6, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,102,026 to Fladgard et al. (hereinafter "Fladgard") in view of Murray.

As discussed herein above, Murray fails to render the present claimed invention obvious and Fladgard fails to cure the deficiencies. Again, the Examiner's attention is directed to independent claims 1 and 22 having the limitation that the insert includes "a superabrasive material having an average grain size of less than or equal to about 10 μm ." Murray does not teach a grain size and moreover, Fladgard merely teaches a device for cutting fiber cement and fails to disclose either a cutting tool insert or a specific grain size for use in cutting fiber cement. Accordingly, the combination of Murray and Fladgard fails to teach all of the limitations of independent claims 1 and 22 and withdrawal of the Examiner's rejection of independent claims 1 and 22 is respectfully requested.

Claims 2-6, 23 and 24 depend from and add further limitations to independent claims 1 and 22, respectively, and encompass all of the limitations of independent claims 1 and 22. Accordingly, claims 2-6 and 23 and 24 are allowable for at least the same reasons in connection with independent claims 1 and 22 and withdrawal of the Examiner's rejection is respectfully requested.

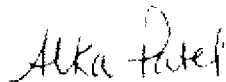
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Attorney Docket No. 128346.60601

CONCLUSION

Applicants and Applicants' representatives assert that the pending claims are in condition for allowance and respectfully request that this case be passed to issue. Should the Examiner have any questions or feel that a conversation with Applicants' representative would advance prosecution, he is encouraged to contact the undersigned at his convenience.

Although no fee is believed to be due for this submission, to the extent that fees may be required for this response, the Commissioner is hereby authorized to debit Deposit Account 50-0436.

Respectfully submitted,
PEPPER HAMILTON LLP

A handwritten signature in cursive script that reads "Alka Patel".

Alka A. Patel
Registration No. 49,092

One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219-2505
Telephone: (412) 454-5000
Facsimile: (412) 281-0717
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